

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re: Pauline C. Kruger,  
Debtor(s).

Bankruptcy Case No.: 02-30340

**NOTICE OF MOTION AND MOTION  
TO MODIFY DEBTOR'S CHAPTER 13  
PLAN AFTER CONFIRMATION**

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TO: Pauline C. Kruger, the United States Trustee, Jasmine Z. Keller,  
Ch. 13 Trustee and other parties in interest specified in Local Rule 1204(a).

1. Pauline C. Kruger, by and through her undersigned attorney hereby moves the Court for the relief set forth in the attached Motion and give notice of hearing.

2. The Court will hold a hearing on this motion before the Honorable Gregory F. Kishel at the U.S. Bankruptcy Court, Court Room 228B, Second Floor, United States Courthouse, at 316 North Robert Street, St. Paul, Minnesota 55101, on September 23, 2004 at 10:30 a.m.

3. Any response to this motion must be filed and delivered not later than 10:30 a.m. on September 20, 2004, which is three days before the time set for hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than 10:30 a.m., September 14 2004, which is fourteen days before the time set for the hearing (excluding Saturdays, Sundays and holidays).  
UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. The petition commencing this case was filed on January 23, 2002 and this case is now pending in this Court. This Court has jurisdiction over this modification pursuant to 28 U.S.C. Section 157 and Section 1334, Bankruptcy Rule 5005, Bankruptcy Local Rule 1070-1, and applicable rules.

5. Debtor submits the attached Motion to Modify Chapter 13 Plan After Confirmation.

WHEREFORE, the debtor, by and through her attorney, moves the Court to confirm the modified plan and such other relief as may be just and equitable.

Dated: August 13, 2004

**/s/ BECKY A. MOSHIER**

Becky A. Moshier

Attorney at Law

Attorney Reg. No. 207871

2233 University Ave. W., #420

St. Paul, Minnesota 55114

Telephone: (651) 645-1211

ATTORNEY FOR DEBTOR

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In Re: Pauline C. Kruger,

Debtor(s).

Bankruptcy Case No.: 02-30340

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**MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION**

The debtor by her attorney, states and represents as follows:

1. That the debtor's Chapter 13 Plan was confirmed on March 28, 2002.
2. That under the original Plan, the debtor's Plan payments were to increase from \$200.00 per month to \$550.00 per month when her vehicle payments was paid in the 27<sup>th</sup> month of the Plan. The debtor miscalculated the number of months left on her vehicle loan in her initial Plan. The present payoff on said vehicle loans is approximately \$7,000.00 with payments of \$386.49. The debtor's Plan should have been \$200.00 per month for 36 months for a total of \$7,200.00 as the vehicle payment could not be completed within 36 months.
3. That the debtor has incurred extraordinary dental expense in the amount of \$1,485.00 which has resulted in the present Plan arrears in this case. The debtor does not have the ability to pay a lump sum payment towards the arrears. The debtor proposes that any Plan arrears through August of 2004 be waived and that payment under the modified Plan commence in September of 2004.
4. That the debtor has paid a total of \$6,300.00 under the Plan and proposes that her Plan payments be decreased from \$550.00 per month to \$200.00 per month for the final 5 months of the Plan for total Plan payments of \$7,300.00.
5. That a copy of the debtor's modified Chapter 13 Plan dated August 13, 2004 is attached to this motion and that a copy of the same, together with copy of this motion, has been sent to the Chapter 13 Trustee, the United States Trustee, and all parties entitled to notice under Local Rule 1204(a).

WHEREFORE, the debtor moves this honorable court, to enter an order confirming the debtor's modified Chapter 13 plan dated August 13, 2004.

Dated: August 13, 2004

/e/ BECKY A. MOSHIER

Becky A. Moshier  
Attorney at Law  
Attorney Reg. No. 207871  
2233 University Ave. W., #420  
St. Paul, Minnesota 55114  
Telephone: (651) 645-1211

ATTORNEY FOR DEBTOR

### **VERIFICATION**

I, Pauline C. Kruger, the Debtor herein, declares under penalty of perjury, that I have read the hereto attached Notice of Motion and Motion and Modified Chapter 13 Plan and the same is true and correct of my own knowledge, except as to matters therein stated on information and belief and, as to such, I verily believe them to be true.

Dated: August 13, 2004

/e/ PAULINE C. KRUGER

Pauline C. Kruger

### **CERTIFICATE OF TRANSMITTAL AND SERVICE BY MAIL**

The undersigned certifies under penalty of perjury that she has, on the date shown below, by first class mail addressed to their respective addresses of record in this case, transmitted and served a true copy of this document to the United States Trustee, the Chapter 13 Trustee, and all creditors listed on the attached matrix.

Dated: August 18, 2004

/e/ BECKY A. MOSHIER

Becky A. Moshier

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: Pauline C. Kruger,

SIGNATURE DECLARATION

Debtor(s).

Case No. 02-30340

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☒ OTHER (Please describe: Notice of Motion and Motion to Modify Debtor's Chapter 13 Plan After Confirmation)

I [We], the undersigned debtor(s) or authorized representative of the debtor, *make the following declarations under penalty of perjury:*

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 08/13/04

☒ Pauline C. Kruger  
Signature of Debtor or Authorized Representative

Pauline C. Kruger  
Printed Name of Debtor or Authorized Representative

☒ \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Printed Name of Joint Debtor

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re: Pauline C. Kruger,

Bankruptcy Case No.: 03-30340

**UNSWORN DECLARATION OF SERVICE**

I, Becky A. Moshier, Attorney at Law, licensed to practice law in this Court, with office address of 2233 University Avenue West, Suite 420, St. Paul, Minnesota 55114, declare that on August 18, 2004, I served copies of the Notice of Motion and Motion to Modify Debtor's Chapter 13 Plan After Confirmation and the Modified Chapter 13 Plan to each of the entities named below by mailing to each of them copies thereof by enclosing the same in an envelope with first class mail postage prepaid and depositing same in the post office in St. Paul, Minnesota, addressed to each of them as follows:

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Jasmine Z. Keller  
Chapter 13 Trustee  
12 S. 6<sup>th</sup> St., Suite 310  
Minneapolis, MN 55402

U.S. Trustee  
1015 U.S. Courthouse  
300 S. Fourth Street  
Minneapolis, MN 55415

Pauline C. Kruger  
5065 Morehead Ave.  
White Bear Lake, MN 55110

Chase Visa  
PO Box 52095  
Phoenix, AZ 85072-2095

Chase Visa  
PO Box 15919  
Wilmington, DE 19850-5919

City & County  
Credit Union  
144 11<sup>th</sup> St E  
Saint Paul, MN 55101-2380

Gateway Credit Card Plan  
PO Box 8181  
Gray, TN 37615-8181

Gateway Credit Card Plan  
PO Box 9042  
Des Moines, IA 50368-9042

Park Dental Grand  
917 Grand Ave.  
Saint Paul, MN 55105

Target/Marshall Fields  
Retailers National Bank  
PO Box 59228  
Minneapolis, MN 55459-0228

Telecheck Recovery Svcs Inc  
PO Box 17450  
Denver, CO 80217

Telecheck Recovery Svcs Inc  
Corporate Offices  
5251 Westheimer  
Houston, TX 77056

WorldCom Wireless  
PO Box 5211  
New York, NY 10087-5211

WorldCom Wireless  
Customer Service  
PO Box 1178  
Nederland, TX 77627

Chase Manhattan Bank USA NA  
PO Box 659798  
San Antonio, TX 78265

Retailers Natl Bank  
C/O Creditors Right & Bky Gp  
695 Rancocas Rd Ste 101  
Westampton, NJ 08060

Chase Manhattan Bank USA NA  
C/O eCast Settlement Corp.  
PO Box 35480  
Newark, NJ 07193-5480

MN Dept. of Revenue  
Bankruptcy Section  
PO Box 64447  
St. Paul, MN 55164-0447

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And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: August 18, 2004

/e/ BECKY A. MOSHIER  
Becky A. Moshier  
Attorney at Law